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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/053,827

01/18/2002

Jack H. Chang

CCI-005

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11/02/2005

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EXAMINER

VU, THONG H

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/053,827

Applicant(s)

CHANG ET AL.

Examiner

Thong H. Vu

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-10,39-41 and 62-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-10,39-41 and 62-71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. Amended claims 8-10,39-41 and 62-71 are pending.

***Response to Arguments***

2. Applicant's arguments filed 9/26/05 with respect to claims 8-10,39-41,62-71 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 8,39,62 are rejected under 35 U.S.C. 102(e) as being anticipated by Welles, II et al [Welles, 5,691,980].

3. As per claim 39, Welles discloses A system for maintaining a messaging network having at least one messaging platform [Welles, mobile network, GPS, messages and command, col 2 line 40-col 3 line 25; col 4 lines 1-15], the system comprising:

a master platform having a master global routing table configurable to store a messaging platform entry for each messaging platform on the messaging network [Welles, the master unit, a dynamically configured LAN, col 5 lines 39-55; master-slave list, col 15 lines 24-45];

a global routing table for at least one messaging platform, wherein said global routing table holds a messaging platform entry for each messaging platform on the messaging network [Welles, master-slave list, col 15 lines 24-45];

wherein said master platform is configured to respond to each messaging platform on the messaging network that sends a response message to said master platform, said response message sent by each messaging platform at a selected interval (i.e. period) which is defined in the messaging platform entry corresponding to each messaging platform [Welles, time slot, col 8 line 40 et seq.; time period, col 16 lines 30-60];

query message to a messaging platform on the messaging network that fails to send a response message to the master platform within said selected interval [Welles, query/response, col 16 lines 30-67];

wherein said master platform is further configured to update an operational status of said selected messaging platform entry to a disabled status, said messaging platform entry corresponding to said selected messaging platform in said master global routing table and said global routing table of at least one messaging platform on the messaging network, if said selected messaging platform fails to respond to said query message [Welles, changes its status, col 11 lines 26-35; failure or faulty status, col 6 lines 3-14; col 15 lines 45-65]; and

wherein a sending messaging platform on the network is configured to check said operational status of a remote messaging platform to determine whether said sending messaging platform may send a user message using the messaging network to

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said remote messaging platform for delivery to an area of operation supported by said remote messaging platform [Welles, remote, location, col 1 line 66].

4. As per claim 63, Welles discloses the predetermined interval is defined in the messaging device data entry corresponding to each of the plurality of messaging devices [Welles, schedule time, col 13 lines 10-22].

5. As per claim 64, Welles discloses a first messaging device on the network is configured to check the operational status of a second messaging device to determine whether the first messaging device may send a user message using the messaging network to the second messaging device [Welles, tracking unit inoperative, col 6 lines 3-14].

6. As per claim 65, Welles discloses an operational area data entry for each of the plurality of messaging devices in the master global routing data structure [Welles, master-slave list, col 15 lines 24-45].

7. As per claim 66, Welles discloses a first messaging device on the network is configured to check the operational area of a second messaging device to determine whether the first messaging device may send a user message using the messaging network to the second messaging device for to delivery to an area of operation supported by the second messaging device [Welles, col 15 lines 24-65].

8. As per claim 67, Welles discloses a global routing data structure associated with each of the plurality of messaging devices, the global routing data structure having a messaging device data entry for each of the plurality of messaging devices on the messaging network, each messaging device data entry comprising a host ID, and an operational status [Welles, Unit ID col 14 lines 48-67].

9. As per claim 68, Welles discloses the master device is further configured to update the operational status of messaging device data entries of the global routing data structure associated with each of the plurality of messaging devices [Welles, status information, col 4 lines 1-16].

10. As per claim 69, Welles discloses the master device alters the operational status of a messaging device data entry for a predetermined one of the plurality of messaging devices in the global routing data structure associated with each of the plurality of messaging devices to a disabled status if the predetermined messaging device fails to respond to the second message type [Welles, different type of messages, col 9 lines 66].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 9-10;40-41,70-71 are rejected under 35 U.S.C. § 103 as being unpatentable over Welles, II et al [Welles, 5,691,980] in view of Bohm et al [5,982,780].

12. As per claim 40, Welles discloses said master platform being configurable to debit a debit amount from a token pool of an originating messaging platform that requests delivery of a user message at an area of operation supported by a remote messaging platform; and said master platform increments a credit amount to a token pool of said remote messaging platform in response to the delivery of said user message within said area of operation by said remote messaging platform.

However Welles does not explicitly detail “said messaging platform entry comprises a token pool of each messaging platform , said token pool of each messaging platform having an initial amount of tokens”

It was well-known in the messaging system art that the status message included a token pool as taught by Bohm [Bohm, status messages and a token pool, col 14 lines 18-22; col 19 lines 3-12];

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the technique of using a token pool as a portion of the network message information as taught by Bohm into the Welles's apparatus in order to utilize the status information. Doing so would provide a security and reliable to control the messaging distribution over a global network.

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13. As per claim 41, Welles-Bohm disclose wherein said master platform updates a messaging platform profile of a messaging platform to have a disabled operation status in response to said messaging platform having a token pool amount that falls below a selected threshold [Bohm, status messages and a token pool, col 14 lines 18-22; col 19 lines 3-12].

14. Claims 8,62 contain the similar limitations set forth in the apparatus claim 39. Therefore claims 8, 62 are rejected for the same rationale set forth in claim 39.

15. Claims 9-10;70-71 contain the similar limitations set forth in the apparatus claims 40-41. Therefore claims 9-10;70-71 are rejected for the same rationale set forth in claims 40-41.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM- 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Thong Vu*  
*Primary Examiner*  
*Art Unit 2142*

